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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Brett Fowers, Plaintiff, v. Portfolio Recovery Associates, Defendant.	ATTORNEYS' PLANNING MEETING REPORT Case No. 2:17-cv-01126 District Judge David Nuffer Magistrate Judge Evelyn J. Furse
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1. PRELIMINARY MATTERS:

a. The nature of the claims and affirmative defenses is: Plaintiff alleges that Portfolio Recovery Associates, LLC ("PRA") violated the Fair Debt Collection Practices Act ("FDCPA") and Utah Consumer Sales Practices Act ("UCSPA") by sending Plaintiff a letter to collect on a time-barred debt without disclosing that any payment on the debt may revive the statute of limitations. PRA denies that it has violated the FDCPA or UCSPA. On November 9, 2017, PRA filed a motion to dismiss Plaintiff's Complaint in its entirety for failure to state a claim upon which relief can be granted.

b. This case is _____not referred to a magistrate judge
____X____referred to magistrate judge Evelyn J. Furse
____X____under 636(b)(1)(A)
_____under 636(b)(1)(B)
_____assigned to a magistrate judge under General Order 07-001
and

_____ all parties consent to the assignment for all
proceedings or
_____ one or more parties request reassignment to a district
judge

- c. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on November 21st and
November 22nd through email.

The following attended:

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Attorneys for Defendant

- d. The parties do not request an initial pretrial scheduling conference with the court
prior to entry of the scheduling order. An initial pretrial scheduling conference is
set before Magistrate Judge Evelyn J. Furse on December 13, 2017 @ 10:00 a.m.
- e. The parties _____ have exchanged or X will exchange by 12/13/2017 the
initial disclosures required by Rule 26(a)(1).

- f. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by either (i) notice of electronic filing, or (ii) e-mail transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.

2. DISCOVERY PLAN: The parties jointly propose to the court the following discovery plan:

- a. Discovery is necessary on the following subjects:

- (1) Class Certification
- (2) Merits of the case

- b. Discovery Phases.

Discovery will not be conducted in phases.

- c. DISCOVERY

- (1) Oral Exam Depositions

Plaintiff 10

Defendant 10

Maximum no. hrs. per deposition 7

- (2) Written Discovery

Interrogatories 25

Admissions 25

Requests for production of documents 25

- (3) Other discovery methods: None.

- d. Discovery of electronically stored information should be handled as follows:

At this stage of the litigation, the parties have agreed to produce documents, including email, in a PDF format. Should discovery reveal the importance of the metadata associated with specific email, the parties agree to provide a list of search terms when making discovery requests that may require a search of email or databases.

- e. Last day to file written discovery: 06/07/18

- g. Close of fact discovery: 07/09/18

3. AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES:

- a. The cutoff dates for filing a motion to amend pleadings are:
Plaintiff: 04/04/18 Defendant: 04/04/18
- b. The cutoff dates for filing a motion to join additional parties are:
Plaintiff: 04/04/18 Defendant: 04/04/18

4. EXPERT REPORTS:

Reports from experts under Rule 26(a)(2) will be submitted on:

Parties bearing burden of proof: 08/23/18
Response: 10/01/18

5. OTHER DEADLINES:

- a. Expert Discovery cutoff: 10/15/18
- b. Deadline for filing dispositive¹ or potentially dispositive motions including motions to exclude experts where expert testimony is required to prove the case. 11/15/18.
- c. Deadline for filing partial or complete motions to exclude expert testimony 12/15/18.

6. ADR/SETTLEMENT:

- a. The potential for resolution before trial is: Fair
- b. This case should be referred to the court's alternative dispute resolution program for arbitration: _____ mediation: _____
- c. The parties intend to engage in private alternative dispute resolution for arbitration: _____ mediation: _____
- d. The parties will re-evaluate the case for settlement/ADR resolution on: 12/15/18.

7. TRIAL AND PREPARATION FOR TRIAL:

- a. The parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- b. This case should be ready for a bench trial by: 02/15/19
- c. The estimated length of the trial is: 4 days

¹ Dispositive motions, if granted, affect the final resolution of the case; nondispositive motions, if granted, affect the case but do not dispose of it.

AYRES LAW FIRM

/s/ Daniel Baczynski
Daniel M. Baczynski
Attorneys for Plaintiff

Date: 11/22/2017

McGUIREWOODS LLP

Date: 11/22/2017

/s/ Sarah A. Zielinski
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*Attorneys for Defendant Portfolio Recovery
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CERTIFICATE OF SERVICE

I certify that on this 22nd day of November 2017, I caused a true and correct copy of **ATTORNEYS' PLANNING MEETING REPORT** to be served through the Court's E-Filing System as follows:

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/s/ Daniel Baczynski _____